

SHB 2326 - H AMD 724

By Representative Clibborn

NOT CONSIDERED 04/26/2009

1 On page 1, line 9, after "Washington" insert "first payable from  
2 toll revenue and excise taxes on motor vehicle and special fuels in  
3 accordance with section 5 of this act"

4 On page 3, line 34, after "bonds." insert "Any excise taxes on  
5 motor vehicle and special fuels required for bond retirement or  
6 interest on the bonds authorized by this section and sections 1, 5, and  
7 7 of this act shall be reimbursed to the motor vehicle fund from toll  
8 revenue in the manner and with the priority specified in the bond  
9 proceedings."

10 On page 4, beginning on line 6, strike all of section 8 and insert  
11 the following:

12 "**Sec. 8.** RCW 47.56.850 and 2008 c 122 s 7 are each amended to read  
13 as follows:

14 (1) Unless these powers are otherwise delegated by the legislature,  
15 the transportation commission is the tolling authority for the state.  
16 The tolling authority shall:

17 (a) Set toll rates, establish appropriate exemptions, if any, and  
18 make adjustments as conditions warrant on eligible toll facilities;

19 (b) Review toll collection policies, toll operations policies, and  
20 toll revenue expenditures on the eligible toll facilities and report  
21 annually on this review to the legislature.

22 (2) The tolling authority, in determining toll rates, shall  
23 consider the policy guidelines established in RCW 47.56.830.

24 (3) Unless otherwise directed by the legislature, in setting and  
25 periodically adjusting toll rates, the tolling authority must ensure  
26 that toll rates will generate revenue sufficient to:

27 (a) Meet the operating costs of the eligible toll facilities,

1 including necessary maintenance, preservation, renewal, replacement,  
2 administration, and toll enforcement by public law enforcement;

3 (b) Meet obligations for the (~~repayment~~) timely payment of debt  
4 (~~and interest on the~~) service on bonds issued for eligible toll  
5 facilities, and any other associated financing costs including, but not  
6 limited to, required reserves, minimum debt coverage or other  
7 appropriate contingency funding, (~~and~~) insurance, and compliance with  
8 all other financial and other covenants made by the state in the bond  
9 proceedings; (~~and~~)

10 (c) Meet obligations to reimburse the motor vehicle fund for excise  
11 taxes on motor vehicle and special fuels applied to the payment of  
12 bonds issued for eligible toll facilities; and

13 (d) Meet any other obligations of the tolling authority to provide  
14 its proportionate share of funding contributions for any projects or  
15 operations of the eligible toll facilities.

16 (4) The established toll rates may include variable pricing, and  
17 should be set to optimize system performance, recognizing necessary  
18 trade-offs to generate revenue for the purposes specified in subsection  
19 (3) of this section. Tolls may vary for type of vehicle, time of day,  
20 traffic conditions, or other factors designed to improve performance of  
21 the system.

22 (5) In fixing and adjusting toll rates under this section, the only  
23 toll revenue to be taken into account must be toll revenue pledged to  
24 bonds that includes toll receipts, and the only debt service  
25 requirements to be taken into account must be debt service on bonds  
26 payable from and secured by toll revenue that includes toll receipts.

27 (6) The legislature pledges to appropriate toll revenue as  
28 necessary to carry out the purposes of this section. When the  
29 legislature has specifically identified and designated an eligible toll  
30 facility and authorized the issuance of bonds for the financing of the  
31 eligible toll facility that are payable from and secured by a pledge of  
32 toll revenue, the legislature further agrees for the benefit of the  
33 owners of outstanding bonds issued by the state for eligible toll  
34 facilities to continue in effect and not to impair or withdraw the  
35 authorization of the tolling authority to fix and adjust tolls as  
36 provided in this section. The state finance committee shall pledge the  
37 state's obligation to impose and maintain tolls, together with the

1 application of toll revenue as described in this section, to the owners  
2 of any bonds."

3 On page 6, line 33, after "through" insert "7 and 9 through"

4 Correct the title.

EFFECT: (1) Requires that in the event that motor vehicle fuel or special fuel excise taxes are used to make payments on bonds issued pursuant to this act, toll revenues will be used to reimburse these amounts as required by the bond contract.

(2) Clarifies the legislature's obligation to appropriate the toll revenue necessary to meet the operating costs and debt service on bonds issued for eligible toll facilities.

(3) Provides a pledge on the part of the legislature to not impair or withdraw the authorization of the tolling authority to fix and adjust tolls as necessary to meet the tolling authority's statutory obligations.

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